

EXHIBIT 13

WEATHERFORD DECLARATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)
ANTITRUST LITIGATION)
) No. 11-CV-2509-LHK
THIS DOCUMENT RELATES TO:)
ALL ACTIONS.)
_____)

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VIDEO DEPOSITION OF BRUCE CHIZEN

MARCH 15, 2013

Reported by: Rosalie A. Kramm, CSR No. 5469, CRR

17:28:11 1 fact, I would have agreed -- I believe I would have
17:28:14 2 agreed to meet with him.

17:28:16 3 BY MR. MITTELSTAEDT:

17:28:16 4 Q. Okay. Did you ever give Steve Jobs a heads-up
17:28:20 5 that you were recruiting an Apple employee?

17:28:24 6 A. Never.

17:28:25 7 Q. Did Steve Jobs ever give you a heads-up like
17:28:28 8 that, that he was meeting or recruiting an Adobe one?

17:28:33 9 A. After the fact.

17:28:35 10 Q. Okay. You were asked some questions about
17:28:37 11 whether there were agreements that limited hiring or
17:28:41 12 recruiting or soliciting. I want to ask you
17:28:45 13 specifically, did you ever have an agreement that -- with
17:28:51 14 respect to hiring?

17:28:53 15 A. The agreement was specifically in discussions
17:28:57 16 with specifically around proactively soliciting the other
17:29:02 17 companies' employees, not around hiring, per -- in a
17:29:06 18 broader sense.

17:29:07 19 Q. And by "proactively soliciting," you mean
17:29:10 20 making the initiative --

17:29:12 21 A. Cold calls, the initial --

17:29:14 22 MR. SAVERI: Object -- go ahead.

17:29:15 23 BY MR. MITTELSTAEDT:

17:29:16 24 Q. Let me ask you, what do you mean by
17:29:17 25 "proactively soliciting"?

17:29:19 1 A. Making the initial call to the prospective
17:29:21 2 candidate, taking the first steps.

17:29:23 3 Q. Okay. Did your agreement with Steve Jobs, both
17:29:29 4 the oral one that you testified to and then the later one
17:29:33 5 in 2005 that's reflected in the emails, did your decision
17:29:37 6 to agree with Jobs have anything to do with what any
17:29:40 7 other company was doing?

17:29:42 8 MR. SAVERI: Object to the form.

17:29:43 9 THE WITNESS: Absolutely not.

17:29:44 10 BY MR. MITTELSTAEDT:

17:29:45 11 Q. You said that -- you were asked a question
17:29:50 12 whether there was any particularly -- or strike that.

17:29:53 13 You were asked whether there was any particular
17:29:56 14 collaboration that was significant as of May of 2005, and
17:30:00 15 you said you didn't have the slightest idea. Were there
17:30:06 16 any collaborations in 2005 between Adobe and Apple that
17:30:12 17 you considered significant?

17:30:14 18 MR. SAVERI: Object to form. Go ahead.

17:30:17 19 BY MR. MITTELSTAEDT:

17:30:18 20 Q. Go ahead.

17:30:19 21 A. We had, throughout my tenure at Adobe, always
17:30:24 22 had significant collaborations with Apple. It's hard for
17:30:29 23 me to sit here and name each and every one.

17:30:35 24 MR. MITTELSTAEDT: Okay. That's all the
17:30:36 25 questions I have.

17:30:38 1 MR. SAVERI: I have just one follow-up
17:30:39 2 question.

17:30:39 3

17:30:39 4 FURTHER EXAMINATION

17:30:39 5 BY MR. SAVERI:

17:30:40 6 Q. With respect to the 2005 collaborations that
17:30:43 7 Mr. Mittelstaedt was just asking you about, can you
17:30:45 8 identify any of them which you would identify as
17:30:48 9 "significant" that were in place at the time of the 2005
17:30:53 10 discussions with you and Jobs?

17:30:54 11 A. If you were able to provide me with the
17:30:57 12 different operating system changes and the different
17:31:00 13 hardware changes that Apple was embarking on, and the
17:31:04 14 different product upgrades that Adobe was embarking on at
17:31:08 15 that point in time, I'm sure I could identify numerous
17:31:10 16 significant collaborations that were going on. But
17:31:12 17 unless I'm able to identify those, I can't do so.

17:31:16 18 MR. SAVERI: Okay. I don't have any
17:31:17 19 questions -- I don't have any further questions. Thank
17:31:19 20 you very much for your time.

17:31:20 21 THE WITNESS: You're welcome.

17:31:22 22 THE VIDEOGRAPHER: This is the end of Video 4
17:31:23 23 of 4 and concludes today's proceedings. The master
17:31:26 24 videos will be retained by Jordan Media. We are now off
17:31:29 25 the record. The time is 5:31.

16:41:10 1 I, Rosalie A. Kramm, Certified Shorthand
 16:41:10 2 Reporter licensed in the State of California, License No.
 16:41:10 3 5469, hereby certify that the deponent was by me first
 16:41:10 4 duly sworn and the foregoing testimony was reported by me
 16:41:10 5 and was thereafter transcribed with computer-aided
 16:41:10 6 transcription; that the foregoing is a full, complete,
 16:41:10 7 and true record of said proceedings.

16:41:10 8 I further certify that I am not of counsel or
 16:41:10 9 attorney for either of any of the parties in the
 16:41:10 10 foregoing proceeding and caption named or in any way
 16:41:10 11 interested in the outcome of the cause in said caption.

16:41:10 12 The dismantling, unsealing, or unbinding of the
 16:41:10 13 original transcript will render the reporter's
 16:41:10 14 certificates null and void.

16:41:10 15 In witness whereof, I have hereunto set my hand
 16:41:10 16 this day: March 26, 2013.

16:41:10 17 X Reading and Signing was requested.

16:41:10 18 Reading and Signing was waived.

16:41:10 19 Reading and signing was not requested.

16:41:10 20

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16:41:10 22

 ROSALIE A. KRAMM

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CSR 5469, RPR, CRR

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